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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,603	12/04/2003	Satoshi Nakama	03560.003408	6916
5514 7590 11/15/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER HO, TUAN V	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/726,603	NAKAMA, SATOSHI	
	Examiner	Art Unit	
	Tuan V. Ho	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendments filed on 8/30/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. It should be noted that the application has been transferred to a new examiner. After reviewing the history of the application, a new rejection follows.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull et al (5,806,005) in view of Fukuoka (6,300,976).

Hull et al discloses in Fig. 1, a digital video camera that comprises the imaging apparatus (image transfer system 10, col. 1, line 66), recording unit which records taken images on a first recording medium (image memory 24, col. 2, line 3); first detecting unit which detects the remaining available recording space of said the first recording medium (CPU 22, col. 2, lines 38-42 and col. 3, lines 1-9); second detecting unit which detects a plurality of external recording devices connected through from a network (CPU 22 working in combination with

command input detects what types of external devices are connected to the camera, col. 2, lines 20-60 and col. 5, lines 1-7; it is noted that CPU 22 inherently detects an external device being connected to the camera so as to establish a communication between the devices); and a control unit controls the selected external recording device to record the taken images unit on a second recording medium if the remaining available recording space of the first recording medium reaches a predetermined value (CPU 22, col. 5, lines 1-7), except that control unit determines a priority among the plurality of external recording devices, and selects one of the plurality of external recording devices in accordance with the determined priority among the plurality of external recording devices.

Hull et al does not disclose any control unit that determines and selects a recording device in accordance with a determined priority.

However, Fukuoka teaches using a digital image capturing device that comprises CPU 23 and I/O card 15 (col. 2, lines 45-65); where that the camera can select an external memory in accordance with apriority such as bandwidth and data amount in order to facilitate and reduce transmission error, col. 10, lines (col. 10, liens 38-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the CPU 22 of Hull et al in the same fashion as disclosed by Fukuoka so as to obtain an imaging apparatus comprising a control unit that can determine and select an external recording device in accordance with a priority.

With regard to claims 2 and 4, Hull et al in view of Fukuoka does not disclose any Universal Plug and Play.

Official Notice is taken for Universal Plug and play that is used to connect a camera to an external device where the Universal Plug and Play includes a function to recognize a device upon a connection.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the transmitter connection device of Hull et al in view Fukuoka with a Universal Plug and Play so as to obtain a camera system including a Universal Plug and Play and thereby to easily to detect an external device upon a connection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is

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(572) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.


TUAN HO
PRIMARY EXAMINER